IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE.

WRIT PETITION NO. 5519 OF 2005

Ms. Shah Rachana Vijay ..... Petitioner.
V/s
The Administrator & anr..... Respondents.

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Shri P. B. Shah for the petitioner.
Shri G.S. Kulkarni for the Respdts.

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CORAM: V.G. PALSHIKAR &
D.B. BHOSALE, JJ.

DATED : 23RD AUGUST, 2005

P.C.;

1. By this petition, the petitioners have challenged the action of the respondent in awarding reserved seats for the medical education in the Union Territory of Dadra & Nagar Haveli.

2. The contention of the learned counsel for the petitioner is that the order of 1990 has superseded all earlier interpretations in respect of selection and nomination of reserved class candidates in the matter of allotment of seats. It is provided that first priorioty shall

be given to those permanent residents and domicile of the Union Territory of Dadra & Nagar Haveli. The contention is that this term "permanent residents" in the 1990 order has to be read as flowing from the communication from 1980 defining what a permanent resident is. The Government of India has defined by its 1980 document what is a permanent resident. According to that communication,

(a) a person who is permanently residing in Union Territory of Dadra & Nagar Haveli,

(b) a person either of whose parents were born in the Union Territory, or

(c) spouse or children of persons mentioned in (a) above

(d) or the person who had a minimum of 10 years continuous education in the Union Territory of Dadra & Nagar Haveli."

3. According to the learned counsel this "OR" should come into operation only if (a) and (b) are not available. We are unable to accept this contention for the reason that "OR" mentioned in the communication of 1980 clearly gives option and makes all the categories mentioned therein eligible. Permanent resident is also defines, continuous residents in the Union Territory for 10 years. This criteria is presently applied for granting reserved seats to the concerned candidates. We see no error in this. Therefore we see no

substance in this petition. It is accordingly dismissed.

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